

REMARKS

By the foregoing Amendment, Claims 1, 4, 8 and 13 have been amended, and Claims 12 and 14-26 have been cancelled. Claims 27-39 were previously cancelled. Claims 1-11 and 13 remain pending. Favorable consideration of the application is respectfully requested.

Claims 1-4, 6-7, 9-17, 19-20 and 22-26 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Benvegar et al. Claims 14-17, 19-20 and 20-26 have been cancelled. Benvegar et al. discloses a battery pack with a charge monitor IC 32 for monitoring battery cells 30 powering a defibrillator. Claim 1 has been amended to recite "a first power supply for providing power to the external defibrillator for delivering energy to a patient; a second power supply for providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator; and an indicator to automatically indicate a status of at least a portion of at least one of the first power supply, the second power supply, and the external defibrillator." It is respectfully submitted that Benvegar et al. does not teach, disclose or suggest a second power supply for providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator, and an indicator to automatically indicate a status of at least a portion of at least one of the first power supply, the second power supply, and the external defibrillator. It is therefore respectfully submitted that the claims as amended are novel and inventive over Benvegar et al., and that the rejection on the grounds of

anticipation by Benvegar et al. as it pertains to Claims 1-4, 6-7, 9-11 and 13 should be withdrawn.

Claims 5 and 18 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Benvegar et al. further in view of Kurle et al., which was cited as disclosing a smart battery that self-monitors and indicates use conditions. Claim 18 is cancelled. It is respectfully submitted that Benvegar et al. and Kurle et al., whether taken individually or in combination, do not teach, disclose or suggest a second power supply for providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator, and an indicator to automatically indicate a status of at least a portion of at least one of the first power supply, the second power supply, and the external defibrillator, as is recited in Claim 1. It is therefore respectfully submitted that Claim 5 is also novel and inventive over Benvegar et al. and Kurle et al., and that the rejection of Claim 5 on the grounds of obviousness from Benvegar et al. in view of Kurle et al. should be withdrawn.

Claims 8 and 21 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Benvegar et al. further in view of Olson et al., which was cited as disclosing self-testing of an automated external defibrillator during which battery cells 17 of a battery pack are checked. Claim 21 has been cancelled. It is respectfully submitted that Benvegar et al. and Olson et al., whether taken individually or in combination, do not teach, disclose or suggest a second power supply for providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator, and an indicator to automatically indicate a status of at least a portion of at least one of the first power

supply, the second power supply, and the external defibrillator, as is recited in Claim 1.

It is therefore respectfully submitted that Claim 8 is also novel and inventive over Benvegar et al. and Olson et al., and that the rejection of Claim 8 on the grounds of obviousness from Benvegar et al. in view of Olson et al. should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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